

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-10 and 12-17 were pending in this application when last examined and stand rejected.

Claims 1, 3, 6 and 12 have been amended in a non-narrowing manner to better conform to US claim form and remove antecedent basis issues. Claim 3 is amended to independent form to incorporate the subject matter of claim 1.

Claim 17 has been canceled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any canceled subject matter.

Claims 1-10 and 12-16 are pending upon entry of this amendment.

No new matter has been added by the above claim amendments.

Applicant notes that the above claim amendment are intended to address matters of form only, as they are not intended to effect the scope of the claims. Accordingly, if the next Office Action on the merits includes a rejection of one or more claims, the Action must be non-final.

Applicant thanks the Examiner for the careful examination of this case and respectfully request re-examination and reconsideration of this case, as amended. Below Applicant addresses the rejections leveled in the Office Action, and explains why the rejections are not applicable to the pending claims.

## II. INDEFINITENESS REJECTION

On page 2 of the Office Action, claims 3-5, 9, 15 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for lack of antecedent basis for "the pin."

The present amendment overcomes this rejection by amending independent claim 1 to provide antecedent basis for "the pin." The remaining rejected claims all depend on claim 1.

Thus, it is believed the claims are clear, definite and have full antecedent basis for the recited terminology. Therefore, the rejection should be withdrawn.

## III. OBVIOUSNESS REJECTION

Claims 1, 2, 6-8, 10, 12 and 17 were rejected under 35 U.S.C. § 103(a) as being obvious over CASEY (U.S. 1,576,307) for the reasons on page 2 of the Office Action.

Applicant respectfully disagrees and submits that the Office has failed to show that the prior art reference teaches, suggests or otherwise makes obvious all the recited claimed

limitations, as required to support a *prima facie* case of obviousness.

The Office's rejection seems to be the result of mistakes in the previous set of claims. In this regard, the Office has indicated that "the spacer is not a positive element of the invention, as accordingly it has no patentable weight." In fact, the Office did not include dependent claim 3 (directed to the spacer) in this rejection.

In reply thereto, it has to be understood that the pin (3', 23, 43) is part of the hook and that the spacer (or spacers) (8, 28, 28', 48) are also part of the hook. It could be emphasized that "constituted by a pin" in claim 1 is related to the hook, not to the exhaust tract tube. Therefore, the end-piece (7, 7') is for fixing of the pin, not for fixing to the pin (see claim 3).

Please note claims 1 and 6 have been amended to better reflect such an arrangement. In particular, Applicants have amended independent claims 1 and 6 to recite "the spacer" as a positive element. It is again noted that dependent claim 3 that further specifies the spacer was not included in this rejection. Thus, Applicants have amended the independent claims to positively recite an element not found in the applied cited prior art reference. For the reason, it is clear that the hook in CASEY fails to meet the above-noted feature of the spacer of amended

independent claims 1 and 6. Therefore, CASEY cannot render obvious the claims.

Withdrawal of the above 103(a) obviousness rejection is therefore solicited.

#### IV. ALLOWABLE SUBJECT MATTER

On page 3, the Office indicates that claims 3-5, 9, 15 and 16 would be allowable if rewritten to overcome the 112, second paragraph indefiniteness rejection and to include all of the limitations of the base claim and any intervening claims.

Applicants appreciate the Office's indication of allowable subject matter. It is respectfully submitted that the present amendment overcomes the outstanding rejections, thereby obviating these objections.

Nonetheless, kindly note claim 3 has been rewritten to independent form by incorporating the subject matter of claim 1. Claims 3-5, 9, 15 and 16 depend, either directly or indirectly, from claim 1. Thus, Applicants submit that at least amended claim 3 and all claims dependent thereon (claims 3-5, 9, 15 and 16) should be in condition for allowance.

V. CONCLUSION

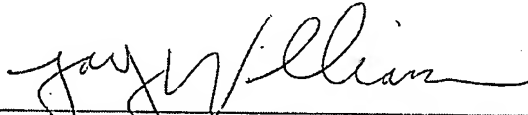
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice of that effect is hereby requested.

If the Examiner has any comments or proposals for expedited prosecution, please contact the undersigned attorney at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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